

Caption in Compliance with D.N.J. LBR 9004-1(b)
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Attorneys for Secured Creditor:
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Order Filed on January 2, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 17-17677-VFP

Adv. No.:

Hearing Date: 11/2/16 @ 11:00 a.m.

Judge: Vincent F. Papalia

In Re:

Marion Nunez,

Debtor.

ORDER RESOLVING MOTION FOR RELIEF FROM STAY

The relief set forth on the following pages, numbered two (2) through three (3) is hereby **ORDERED**.

DATED: January 2, 2018

A handwritten signature in black ink, appearing to read "Vincent F. Papalia".

Honorable Vincent F. Papalia
United States Bankruptcy Judge

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Debtor: Mario Nunez

Case No: 17-17677-VFP

Caption of Order: ORDER RESOLVING MOTION FOR RELIEF FROM STAY

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, CIT Bank, N.A., f/k/a One West Bank, N.A., f/k/a One West Bank, FSB, Denise Carlon appearing, upon a motion to vacate the automatic stay as to real property located at 375-377 Wabash Avenue, Paterson, NJ 07503, and it appearing that notice of said motion was properly served upon all parties concerned, and this Court having considered the representations of attorneys for Secured Creditor and Benjamin Ginter, Esquire, attorney for Debtor, and for good cause having been shown

It is **ORDERED, ADJUDGED and DECREED** that as of December 18, 2017, Debtor is in arrears for the months of May 2017 through December 2017 for a total post-petition default of \$17,994.00 (10 @ \$2,249.25);

It is further **ORDERED, ADJUDGED and DECREED** that Debtor will begin adequate protection payments per the Loss Mitigation Order as of January 1, 2018; and

It is further **ORDERED, ADJUDGED and DECREED** that the balance of the arrears in the amount of \$17,994.00 shall be added to the affidavit of amount due and paid through the Chapter 13 plan if the loan modification is unsuccessful; and

It is further **ORDERED, ADJUDGED and DECREED** that nothing in this order shall bar Secured Creditor from collecting the full, regular monthly payment in the event the loss mitigation discussions are unsuccessful;

It is further **ORDERED, ADJUDGED and DECREED** that if loss mitigation negotiations are unsuccessful, Debtor is responsible for the difference between the adequate protection payment & the regular monthly payment for all months since the filing of the petition; and

It is further **ORDERED, ADJUDGED and DECREED** that for the duration of Debtors' Chapter 13 bankruptcy proceeding, if any of the cure payments, adequate protection payments, or regular monthly mortgage payments are not made within thirty (30) days of the date said payment is due, Secured Creditor may obtain an Order Vacating Automatic Stay as to Real Property by submitting a Certification of Default to the Court indicating such payment is more than thirty days late, and Debtors shall have fourteen days to respond; and

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Debtor: Mario Nunez

Case No: 17-17677-VFP

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It is further **ORDERED, ADJUDGED and DECREED** that a copy of any such application, supporting certification, and proposed Order must be served on the Trustee, Debtors, and Debtors' counsel at the time of submission to the Court; and

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor is hereby awarded reimbursement of fees and costs in the sum of \$350.00 for attorneys' fees and \$181.00 for filing fees, totaling \$531.00, which is to be paid through Debtors' Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor's Motion for Relief is hereby resolved.

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
District of New Jersey

In re:
Mario R. Nunez
Debtor

Case No. 17-17677-VFP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Jan 03, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 05, 2018.

db Mario R. Nunez, 375 Wabash Ave, Paterson, NJ 07503-1135

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 05, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 3, 2018 at the address(es) listed below:

Benjamin Jamie Ginter on behalf of Debtor Mario R. Nunez gintr316@aol.com
Denise E. Carlon on behalf of Creditor CIT Bank, N.A., fka One West Bank, N.A., fka One West Bank, FSB dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Justin Plean on behalf of Creditor CITYBANK, N.A. FKAONEWEST BANK, N.A. FKA ONE WEST BANK, FSB bkyecf@rasflaw.com, bkyecf@rasflaw.com;ras@ecf.courtdrive.com
Madison Wilson on behalf of Creditor CITYBANK, N.A. FKAONEWEST BANK, N.A. FKA ONE WEST BANK, FSB mwilson@rasflaw.com
Marie-Ann Greenberg magecf@magtrustee.com
Nicholas Leonetti on behalf of Creditor CIT BANK, N.A. NJ_ECF_Notices@BuckleyMadole.com, NJ_ECF_Notices@McCalla.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7